

**REMARKS**

Applicants thank the Examiner for withdrawing the previous ground for rejections.

Claims 1-5, 7-12, 22 and 34 were rejected as being obvious over Farquharson, in view of Takagi, further in view of Schultz. Claim 6 was rejected as being obvious over Farquharson, in view of Takagi, further in view of Schultz, yet further in view of Mirkin. These rejections are respectfully traversed.

In claim 1, as amended, the Examiner has relied on Farquharson for disclosing a gel matrix comprising a gel comprising pores having a size to sieve molecules of a desired size range and one or more SERS-enhancing nanoparticles stationary within the gel and Takagi for disclosing gel separation of molecules by electrophoresis or magnetophoresis. See page 2, starting from line 3 from the bottom to page 3, line 6.

Farquharson is a 102(e) reference as it issued as a U.S. patent on September 13, 2005, from Application No. 10/372,621, filed on February 21, 2003, while the present application has a filing date of December 30, 2003. The invention of claim 1, however, was reduced to practice prior to February 13, 2003, when Intel's New Application Matter Number P16229 was opened. Intel's New Application Matter Number P16229 refers to the present application. Intel's Matter Number P16229 is based on several invention disclosures filed prior to February 12, 2003, including Invention Disclosure 28479.

Applicants herewith submit a Rule 131 Declaration, page 4 and 5 of Invention Disclosure 28479 and cover pages of Intel's New Application Matter Number P16229 opened February 13, 2003. Please note that paragraph 14 (1) and (2) of Invention Disclosure 28479 fully support claim 1.

As claim 1 should now be allowable, claims 2-12, 22 and 34 and new claim 94 should be allowable as they depend from claim 1.

In the event that the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 070702007400.

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Respectfully submitted,

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